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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,942	10/31/2003	Norman L. Stoakes	1055-004	5960

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT PAPER NUMBER

3711

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,942

Applicant(s)

STOAKES, NORMAN L.

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is responsive to communication received 10/31/2003 – application papers filed; 06/07/2004 – Claims/ Specification/ Abstract.

Claims 1-10 are pending.

Following is an action on the MERITS:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott ('245) in view of Kinsman. As to claims 1 and 10, Scott shows a club head body (1) having a forward ball striking face (not numbered), a shaft or handle (2), a weight receiving pocket (the pocket within which plates 4, 5, 6, are received), a weight mounting means (screw (7) for example along with the threaded portion of the bore holding plate (5)), and at least one weight (the actual covers (4, 5, 6). Note that the covers may be of varying material, thereby suggesting that more than one cover may be used by the golfer. Hence, since the cover here is serving as the claimed weight, Scott meets the further limitation in claim 10 that at least two weights be present. Scott differs from the claimed invention in that Scott does not explicitly show a handle at one extreme end of the shaft nor does Scott show alignment indicia. Further, Scott does not explicitly detail the claimed club head weight. Insofar as the handle, **OFFICIAL NOTICE** is taken of the fact that clubs are often provided with a handle, shaft

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and head in order to form a completed structure. The handle portion enables the golfer to comfortably grasp the club. For this reason, the skilled artisan would have found it obvious to modify the Scott device by attaching a handle to the shaft (2). Regarding the club head weight required by claim 6, Scott mentions that at least cover plate (5) may be made of lighter or heavier material, as desired (col. 2, lines 6-9). Thus, the skilled artisan would have found it obvious to change the weight of the Scott device based upon the individual preference of the golfer. Moreover, the claimed weight of between 100-600 grams is not deemed critical, since the applicant has not disclosed that this weight is absolutely necessary to solve any stated problem. Insofar as the claimed indicia required by claim 8, note that the teaching reference to Kinsman shows plural lines (A) that are perpendicular to the intended flight path, said lines making it easier to line-up the golf club head at address (page 1, col. 2, lines 63-75). To have equipped the Scott device with alignment indicia would have been obvious to the skilled artisan in order to assist with alignment of the head and golf ball with the target. Specific to the limitation that the club head be generally trapezoidal, as required by claim 2, note that the top views of the club head in Figures 1, 3 and 5 show that the head is "generally" trapezoidal. Specific to claim 10, the weight-receiving pocket (specifically the pocket receiving plate (6)) is generally rectangular in shape.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott ('245) in view of Kinsman and further in view of Scott ('980). Scott ('245) in view of Kinsman has been discussed above. To have further modified the device in Scott ('245) to include "arrows" as opposed to lines for the similar reason of providing alignment

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means to the golfer would have been obvious in view of the patent to Scott ('980), which shows it to be old in the golf club head art to include indicia in the form of arrows on the top of the club head for alignment purposes. The claimed shape of the arrow indicia is merely deemed to be an obvious variant over the parallel line arrangement of Kinsman. The skilled artisan would have found it obvious to use any type of alignment guide (change in color, change in shape of lines on the head, supplemental attachment, etc...) to serve the same purpose of helping the golfer align the club head at address.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Kinsman and further in view of Pelz. Scott ('245) in view of Kinsman has been discussed above. To have further modified the device in Scott ('245) to include "circles" as opposed to lines for the similar reason of providing alignment means to the golfer would have been obvious in view of the patent to Pelz (Figures 6, 9, 12), which shows it to be old in the golf club head art to include indicia in the form of circles on the top of the club head for alignment purposes. The claimed shape of the circle indicia is merely deemed to be an obvious variant over the parallel line arrangement of Kinsman. The skilled artisan would have found it obvious to use any type of alignment guide (change in color, change in shape of lines on the head, supplemental attachment, etc...) to serve the same purpose of helping the golfer align the club head at address.

Claim 10 is objected to because of the following informalities: In line 13, "weight" should read --weights-- . Appropriate correction is required.

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Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Figure 5 in Winchell. Note line (20) in Summers. Benson shows plural lines, of interest. Note lines (50) in Green. Note lines (52) in Ballow. Anderson shows arrows, of interest. See Figure 8 in Kim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Mon-Fri (6:30-3:00),

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
January 10, 2005